

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC

Plaintiff

V.

TEXAS INSTRUMENTS, INC., et al.

Defendant.

BLUE SPIKE, LLC

Plaintiff

V.

KRONOS INCORPORATED,

Defendant.

CIVIL ACTION NO. 6:12-CV-499 MHS

LEAD CASE

JURY TRIAL DEMANDED

CIVIL ACTION NO. 6:13-CV-86 MHS

CONSOLIDATED CASE

**DECLARATION OF DANIEL JOHNSON, JR. IN SUPPORT OF KRONOS' MOTION
TO TRANSFER**

I, Daniel Johnson, Jr., do hereby declare and state as follows:

1. I am an attorney licensed to practice law in the State of California. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, and am counsel for Defendant Kronos Incorporated (“Kronos”), in the above-captioned matter. I have personal knowledge of the foregoing, and, if called upon to testify in this matter, I could and would testify competently to the matters stated herein.

2. I contacted Plaintiff's counsel, Mr. Christopher Honea, by telephone on March 29, 2012, at his office in San Rafael, California, located in the San Francisco Bay Area. I

obtained the contact number from page 19 of the Complaint. I requested Plaintiff's consent to transfer the action to the District of Massachusetts. Plaintiff's counsel, Mr. Honea, did not consent to the transfer.

3. Attached as Exhibit 1 is a true and correct copy of Plaintiff Blue Spike, Inc.'s Articles of Organization filed on May 14, 2012.

4. Attached as Exhibit 2 is a true and correct copy of a printout from the Texas Secretary of State's website with information current as of April 3, 2013.

5. Attached as Exhibit 3 is a true and correct copy of Plaintiff Blue Spike, Inc.'s Contact page listing their office locations.

6. Attached as Exhibit 4 is a highlighted, true and correct copy of a Lex Machina search listing open patent cases from the Eastern District of Texas, downloaded on March 26, 2013.

7. Attached as Exhibit 5 is a highlighted, true and correct copy of a Lex Machina search listing open patent cases from the District of Massachusetts, downloaded on March 26, 2013.

8. In terms of duration, the shortest trip from Boston, Massachusetts to Tyler, Texas is approximately six hours – i.e. a four hour (non-stop) flight plus an approximately two hour drive. Attached hereto as Exhibit 6 is a highlighted, true and correct copy of a printout from www.orbitz.com that identifies a non-stop flight from Boston, Massachusetts to Dallas/Fort Worth, Texas. Attached hereto as Exhibit 7 is a highlighted, true and correct copy of a printout from www.united.com that identifies an example of a one-stop flight from Boston, Massachusetts to Cleveland, Ohio and from Cleveland, Ohio to Dallas/Fort Worth, Texas, a total of five hours and 43 minutes in duration. Attached hereto as Exhibit 8 is a highlighted, true and

correct copy of a printout from www.orbitz.com that identifies an example of a standard size vehicle rental for a period of one week. Attached hereto as Exhibit 9 is a highlighted, true and correct copy of a printout from www.taxifarefinder.com that identifies the driving time from Dallas/Fort Worth Airport to Tyler, Texas as one hour and 54 minutes.

9. Attached as Exhibit 10 is a highlighted, true and correct copy of a printout from www.orbitz.com showing information about accommodations at Hampton Inn Tyler in Tyler, Texas from April 15, 2013 to April 19, 2013.

10. Attached as Exhibit 11 is a highlighted, true and correct copy of a printout from www.orbitz.com showing information about accommodations at Holiday Inn Express Hotel & Suites TYLER SOUTH in Tyler, Texas from April 15, 2013 to April 19, 2013.

11. Attached as Exhibit 12 is a highlighted, true and correct copy of a printout from www.orbitz.com showing information about accommodations at Residence Inn by Marriott Tyler in Tyler, Texas from April 15, 2013 to April 19, 2013.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of April, 2013, in San Francisco, California.

/s/ Daniel Johnson, Jr.
Daniel Johnson, Jr.